

RESOLUTION
MONMOUTH COUNTY AGRICULTURE DEVELOPMENT BOARD

Mr. Potter offered the following resolution and moved its adoption:

WHEREAS, Frank I. Newman & Sons, Inc., trading as Newman's Nursery & Garden Center ["Newman's"] has applied to the Monmouth County Agriculture Development Board ["MCADB"] under the New Jersey Right to Farm Act, N.J.S.A. 4:1C-1, *et seq.* ["the Act"] for MCADB approval for the construction of five greenhouses approximating 20,000 square feet, and the construction of additional parking for use in connection with the Newman's operation; and

WHEREAS, Newman's appeared before the MCADB on November 2, 1998 and December 7, 1998, and presentations were made in support of its application by David Newman; and

WHEREAS, based upon the factual presentations made, the MCADB makes the following findings of fact and conclusions of law:

1. Newman's is located on 4.99 acres in Wall Township, Monmouth County, at Block 282, Lot 5, commonly known as 1215 Sea Girt Avenue, Sea Girt, New Jersey; and
2. Newman's has been a family-owned farming operation since 1890, engaged initially in growing field crops, and since the early 1940s to the present, in operating greenhouses and growing outdoor pot crops; and
3. Newman's currently operates three greenhouses on-site and an outdoor field area; and
4. Newman's produces horticultural products worth \$50,000 or more annually, and, except for the fact that Newman's is less than five acres in size, otherwise satisfies the eligibility

criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1, *et seq.*; and

5. Newman's is a farm management unit for the reason that it is a parcel of land which, together with horticultural buildings, structures and facilities, produces horticultural products and is operated as a single enterprise, within the meaning of N.J.S.A. 4:1C-3; and

6. Newman's is a commercial farm within the meaning of N.J.S.A. 4:1C-3, for the reason that it is a farm management unit less than five acres in size, which produces horticultural products worth \$50,000 or more annually and otherwise satisfies the eligibility criteria for differential property taxation pursuant to the Farmland Assessment Act of 1964, N.J.S.A. 54:4:23.1, *et seq.*; and

7. Newman's markets horticultural products which are produced on and off-site in a retail sales area of approximately 7,500 square feet, of which approximately 6,000 square feet or 80% of which is devoted to the sale of horticultural products which are produced on-site; and

8. Newman's is a farm market within the meaning of N.J.S.A. 4:1C-3, for the reason that it is a facility used for wholesale and retail marketing of the agricultural output of a commercial farm, where not less than 51% of the sales area is devoted to the sale of agricultural output of the commercial farm, and the land on which the farm market is located produces horticultural products worth at least \$2,500 annually; and

9. Newman's specific operation constitutes a generally accepted agricultural operation or practice and does not pose a direct threat to public health and safety; and

10. Newman's proposes to provide for the operation of a farm market by relocating its existing greenhouses and constructing five additional metal hoop style greenhouses comprising an additional approximately 20,000 square feet on its property and expanding its parking facilities in

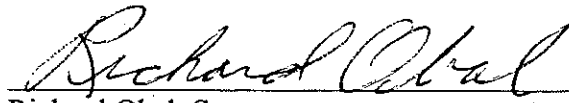
NOW, THEREFORE, BE IT RESOLVED by the Monmouth County Agriculture Development Board that the application of Frank I. Newman & Sons, Inc., trading as Newman's Nursery & Garden Center, be, and the same is hereby approved, subject to the condition that the applicant, in relocating and constructing its greenhouses and additional parking facilities, do so in conformance with municipal standards.

Seconded by Mr. Stattel and adopted on a roll call by the following vote:

	YES	NO	ABSTAIN	ABSENT
Mr. Hom	X			
Mr. McCarthy	X			
Mr. McCormack	X			
Mr. Palmer				X
Mr. Potter	X			
Mr. Pyle	X			
Mr. Stattel	X			
Mr. Stominski				X

I certify that the foregoing resolution is a true copy of the resolution duly adopted by the Monmouth County Agriculture Development Board at its regularly scheduled meeting on December 7, 1998.

Dated: February 11, 1999


Richard Obal, Secretary